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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Second Periodic Reports of States Parties

Addendum

NICARAGUA

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## PREFACE

In this report we have considered it advisable not only to give general information about the country but also to emphasize the socio-economic aspects related to defence and sovereignty, with the aim of providing a complete picture of the transitional phase through which the Sandinist People's Revolution is passing, all of which affect the situation and status of Nicaraguan women.

It is not possible to ignore the aggressive situation that our country is experiencing, which is the principal cause of the social, political and economic living conditions of Nicaraguans and whose impact has a significant effect on women and children, slowing down the social programmes that promote the full emancipation of women.

In the introduction we have given macro-economic information, Part I deals with the socio-economic situation in the country and its effect on women, including data regarding the integration of women in the economy, the level of their participation, the obstacles that they have encountered and the successes achieved.

It is important to point out that, though there have been drastic changes in the legal field, as pointed out in Part II, in practice discriminatory attitudes still persist and negatively affect the rights of women; only by means of education will it be possible to bring about changes in patterns and values that will permit the full implementation of the rights and obligations promulgated in the Convention.

It has therefore been our intention to provide critical inputs regarding the implementation of the Convention as a means of provoking thought and analysis so as to lead to change and promote the search for alternative solutions with regard to all the obstacles that still persist and still prevent equal status for women.

## INTRODUCTION

### General information on the Republic of Nicaragua

1. Territory

The area of the Republic of Nicaragua is 120,349 square $km^2$ with a population density of 28 per $km^2$ up to 1986.

Nicaragua is one of the five Central American republics and occupies the centre of the Central American isthmus, bounded on the north by the Republic of Honduras, on the south by Costa Rica, on the east by the Atlantic ocean and on the west by the Pacific.

Its geographical position is as follows:

- Latitude: between 10° and 15° 45' N;

- Longitude: between 79° 30' and 80° W.

Nicaragua has many rivers flowing into the Atlantic or the Pacific, with two great lakes, Xolotlán or Lake Managua and Cocibolca or Lake Nicaragua as well as several lagoons principally located in the Pacific region.

Several mountain ranges cross the country, among them the Cordillera de los Maribios in the Pacific zone, the highest peak of which is San Cristóbal (1,782 m), in the central zone there are other large ranges such as the Cordillera de Dipilto y Jalapa and the Cordillera Isabella.

Climatic conditions:

- Atlantic coast: hot and humid.

  Mean temperature 26°.

  Rainfall, 667 cm.

  Mainly covered by rain forests.

- Pacific coast: hot, but dryer.

  Mean temperature 28°.

  Rainfall, 191 cm.

  Moderate temperatures in the interior with rainfall decreasing from east to west.

2. Population

As of 1986, the total population of Nicaragua was 3,384,444, including 1,691,493 women (approximately 51 per cent of the total population), mainly located in region III. Fifty per cent are under 15; two-thirds are under 35; 42 per cent are between 15 and 45, which means that a large percentage are of reproductive age.

Nicaragua: Regions, population distribution by region, density and rate of growth

| Administrative regions | Distribution by regions (%) 1980 | 1988 | 1990(*) | Population density 1980 | 1988 | Per km$^2$ 1990 | Annual 1980-90 |
|---|---|---|---|---|---|---|---|
| Nicaragua | 2 771 008 | 3 621 594 | 3 870 820 | | | | 3.34 |
| Region I | 272 156 (9.82) | 353 359 (9.76) | 370 824 (9.58) | 36.88 | 46.81 | 50.25 | 3.09 |
| Region II | 486 104 (17.54) | 632 021 (17.45) | 677 006 (17.49) | 48.45 | 54.09 | 67.48 | 3.31 |
| Region III | 682 087 (25.16) | 979 075 (27.03) | 1 063 314 (27.47) | 205.49 | 285.28 | 315.71 | 4.29 |
| Region IV | 499 228 (18.02) | 651 642 (18.00) | 714 166 (18.45) | 100.46 | 132.85 | 143.72 | 3.58 |
| Region V | 293 898 (10.61) | 333 305 (9.21) | 339 858 (8.78) | 12.18 | 13.81 | 14.09 | 1.45 |
| Region VI | 376 558 (13.59) | 453 765 (12.53) | 473 014 (12.22) | 22.72 | 27.39 | 28.55 | 2.28 |
| Atlantic north | 78 666 (2.84) | 116 350 (3.51) | 123 092 (3.18) | 2.07 | 3.62 | 3.23 | 4.48 |
| Atlantic south | 40 315 (1.45) | 60 681 (1.68) | 66 191 (1.71) | 4.32 | 3.94 | 7.09 | 4.96 |
| Special zone III | 31 996 (1.15) | 41 396 (1.14) | 43 355 (1.12) | 4.98 | 6.45 | 6.76 | 3.04 |

* Estimates by the Commission according to the trend since 1975.

Nicaragua: Total population by sex and region, 1986

| Region | Total population | Men | Women |
|---|---|---|---|
| Total for Republic | 3 384 444 | 1 692 951 | 1 691 493 |
| Region I | 332 013 | 168 469 | 163 544 |
| Region II | 589 231 | 296 845 | 292 386 |
| Region III | 907 707 | 438 559 | 469 148 |
| Region IV | 605 139 | 300 128 | 305 011 |
| Region V | 317 799 | 160 023 | 157 776 |
| Region VI | 430 503 | 224 253 | 206 250 |
| Special Zone I | 108 302 | 55 696 | 52 606 |
| Special Zone II | 55 504 | 28 544 | 26 960 |
| Special Zone III | 38 246 | 20 434 | 17 812 |

Source: INEC, Population Estimates 1980-1987. August 1985.

Age breakdown of the Nicaraguan population, 1960-1990

| Age groups | 1960 | 1970 | 1980 | 1985 | 1988 | 1990 |
|---|---|---|---|---|---|---|
| 0-14 | 47.98 | 48.34 | 47.44 | 46.74 | 46.23 | 45.83 |
| 15-64 | 49.69 | 49.3 | 50.17 | 50.85 | 51.14 | 51.46 |
| 65 and above | 2.33 | 2.36 | 2.39 | 2.41 | 2.63 | 2.71 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |
| Age-dependency Ratio | 1.01 | 1.03 | 0.99 | 0.97 | 0.96 | 0.94 |

Source: F-NIC, 1-INEC-CCRLADE, November 1983.

Economically active population and rate of activity by area

| Area and sex | 1970 EAP | 1970 Rate % | 1980 EAP | 1980 Rate % | 1985 EAP | 1985 Rate % | 1990 EAP | 1990 Rate % |
|---|---|---|---|---|---|---|---|---|
| Total | 579 204 | 43.46 | 797 720 | 43.8 | 958 349 | 44.19 | 1 400 731 | 44.74 |
| Men | 459 206 | 69.78 | 615 820 | 66.44 | 730 984 | 68.01 | 1 046 426 | 67.88 |
| Women | 119 998 | 17.79 | 181 900 | 19.74 | 227 365 | 20.78 | 354 305 | 21.85 |
| Urban | 272 262 | 42.08 | 436 304 | 43.33 | 561 787 | 44.13 | 720 998 | 45.02 |
| Men | 180 498 | 61.11 | 288 155 | 61.4 | 370 826 | 61.78 | 476 341 | 62.39 |
| Women | 91 764 | 26.09 | 148 649 | 27.59 | 190 961 | 28.38 | 244 657 | 29.19 |
| Rural | 306 942 | 44.77 | 360 916 | 44.38 | 396 562 | 44.27 | 438 663 | 44.3 |
| Men | 278 707 | 76.85 | 327 665 | 76.13 | 360 157 | 75.9 | 398 659 | 75.85 |
| Women | 28 235 | 8.74 | 3 325 | 8.69 | 36 405 | 8.64 | 40 004 | 8.61 |

Source: F-NIC.1

## 2.2 Ethnic characteristics of Nicaragua

Most of the population are of mixed race some 15 per cent are white and 10 per cent negroes; there are also still some indigenous communities in the Pacific region that preserve the customs and traditions of the ancient tribes that originally inhabited the region. Among these are the indigenous community of Subtiava in the north-western department of León the Monimbó community in the south-western department of Masaya and the Xalteva in Granada.

In an opinion poll carried out over a period of two years in all the indigenous communities of the Atlantic coast, a number of ethnic groups gave their views on the preparation of the autonomy statute for the Atlantic coast regions of Nicaragua, which was promulgated in Law 28 of 2 September 1987. This Law establishes administrative self-management by which it will be possible to implement the historic rights of the peoples of the Atlantic, within a nation that recognizes itself by its constitution as multi-ethnic, multilingual and multi-cultural.

The official use of the indigenous languages of the Atlantic coast is recognized, thus legalizing the bilingual education which had been provided since the beginning of the revolution. Similarly, customs and religious and cultural traditions are rescued by the provision in article 11(2) that "the inhabitants of the Atlantic coast have the right to preserve and develop their languages, religions and cultures".

The statute has to provide for the basic requirements for the survival of the indigenous communities, such as land tenure in accordance with their traditions, control of their natural resources and the establishment of their own forms of organization for defence.

2.3 Demographic characteristics

Demographic estimates, 1986

| Item | 1986 |
|---|---|
| Live births (a) | 141 039 |
| Total deaths (a) | 27 008 |
| Deaths of children below 1 year (a) | 8 698 |
| Marriages (b) | 11 919 |
| Divorces (b) | 730 |
| Balance of migration (c) | (24 324) |

(a) INEC, Nicaraguan Institute for Statistics and Censuses, estimates of the Population Directorate.

(b) Office of the Registrar.

(c) Directorate-General for Migration and Aliens.

Principal demographic indicators for the five-year period 1985-1990

| Demographic indicators | 1985-1990 |
|---|---|
| Crude birth rate | 41.8 |
| Crude death rate | 7.98 |
| Infantile mortality rate | 61.67 |
| Crude rate of natural increase | 33.82 |
| Life expectancy at birth | 63.26 |

In the 1985-1990 five-year period life expectancy at birth increased by some 3.45 from the previous five-year period (1980-1985) to an estimated overall figure of 63.26 and to 64.61 for women (increase = 3.61). As can be seen from table 5, life expectancy at birth is slightly higher for women than for men.

Life expectancy at birth
Nicaragua 1960-1990

| Life expectancy at birth | Periods 1960-65 | 1970-75 | 1980-85 | 1985-90 |
|---|---|---|---|---|
| Both sexes | 42.28 | 54.70 | 59.81 | 63.26 |
| Males | 40.89 | 53.70 | 58.68 | 61.90 |
| Females | 43.73 | 55.76 | 60.99 | 64.61 |

Source: F-NIC.1, INEC-CELADE, November 1983.

3. Political system

The State of Nicaragua is constituted as a democratic, participative and representative republic pursuant to article 7 of the Political Constitution of 1987. It is divided administratively into six regions and two special autonomous zones. The regions in turn are divided into departments and municipalities, the latter constituting the basic administrative units of the country. The city of Managua is the capital and the seat of the State authorities.

The Government of the Republic of Nicaragua follows the presidential system and is headed by a President and a Vice-President; it has a cabinet consisting of eight ministers of State and three minister-directors, who are appointed pursuant to the relevant law. In each region there is a minister delegate of the presidency who represents the executive authority.

The authorities of the State established by the Constitution are four in number:

1. The Executive Authority;

2. The Legislative Authority;

3. The Judicial Authority;

4. The Electoral Authority.

3.1 The structure of the State authorities

(1) The Executive Authority

This is exercised by the President of the Republic, who is the Head of State and Government and the Supreme Commander of the national defence and security forces; he is assisted by the cabinet of ministers, deputy ministers, directors of

government and autonomous agencies, and directors. The Vice-President of the Republic carries out the duties of the President in the latter's absence or when so delegated.

The President and the Vice-President are elected by universal, equal, direct, free and secret suffrage for a period of six years from the date of entry into office on 10 January in the year following their election.

In the event of temporary or permanent absence, the Vice-President assumes the office of President of the Republic; if the absence of the President is permanent, the National Assembly must elect another Vice-President.

In the event of the temporary and simultaneous absence of the President and Vice-President, the President of the National Assembly assumes the duties of the former.

In the event of the permanent absence of the President and Vice-President, the President of the National Assembly assumes the duties of the former; within 72 hours of occurrence of the vacancy, the National Assembly must nominate their replacements.

(2) Legislative Authority

This is exercised by the National Assembly, which consists of 96 representatives and their alternates, who elect from among their number, one President, one Vice-President and three secretaries.

The representatives in the National Assembly are elected by universal, equal, direct, free and secret vote in regional electoral districts under the proportional representation system established by the electoral law for a period of six years from their installation in office by the Supreme Electoral Council on 9 January of the year following their election.

When the National Assembly enters a period of recess, it delegates legislative powers to the President of the Republic.

The following may initiate legislation: the representatives in the National Assembly and the President of the Republic; the Supreme Court of Justice and the Supreme Electoral Board have such right of initiative in matters within their competence. This right of initiative shall be regulated by the general statute and the rules of procedure of the National Assembly. Bills require for their approval the positive vote of a relative majority of the representatives present. The President of the Republic can exercise his right of veto.

(3) The Judicial Authority

The judicial authority consists of the courts of justice established by law, namely, the district and local courts for civil, labour and criminal cases; the appeal courts and the supreme organ, namely the Supreme Court of Justice. They have competence and jurisdiction to try all cases as regulated by law. There is military jurisdiction.

The Supreme Court of Justice consists of a minimum of seven justices appointed by the National Assembly from lists proposed by the President of the Republic. They shall be installed in office by the National Assembly for a period of six years. In their judicial activity, the justices and judges are independent and

owe obedience only to the Constitution and the law. They are governed among other things by the principles of equality, publicity and the right to defence. The President of the Supreme Court of Justice will be appointed by the President of the Republic from among the justices elected by the National Assembly.

The guiding principles of the Nicaraguan judicial system are: the unity and exclusivity of jurisdiction; jurisdictional democracy and the principles of impartiality, independence and legality; supremacy of the law; and organization and operation with participation by the people.

(4) The Electoral Authority

This consists of the Supreme Electoral Council and other electoral bodies. The Supreme Electoral Council consists of five justices with their alternates, elected by the National Assembly from lists proposed by the President of the Republic, who serve for a period of six years from the date of entry into office. They have exclusive competence for the organization, management and supervision of elections, plebisites and referendums. The President of the Supreme Electoral Council is appointed by the National Assembly from among the elected justices.

4. Rights, duties and guarantees of the Nicaraguan people

Respect for human rights is a fundamental principle of the revolutionary State. The recognition and guarantee of human rights are fully regulated in the new political constitution, which devotes more than one third of its text to them. Article 46 of the Nicaraguan political constitution states that "In the national territory, every person enjoys the protection of the State and recognition of the rights inherent in the human person, the unrestricted respect for and the promotion and protection of human rights and of the full implementation of the rights enshrined in the Universal Declaration of Human Rights; the American Declaration of the Rights and Duties of Man; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights of the United Nations; and the American Convention on Human Rights, of the Organization of American States. Thereby these international legal instruments are incorporated in our legal system with the rank of constitutional laws." The most important thing is that together with the internal recognition [of these instruments] and with the commitments assumed at international level, administrative and programme measures have been implemented in order to translate the rights proclaimed into practice. Furthermore, to safeguard these rights, persons have the right of taking action before the courts, which, as expressly provided in article 160 of the Constitution, must protect and guard human rights by implementation of the law with regard to the matters and processes that lie within their sphere of competence. In this context specific mention should be made of the legal aid and habeas corpus established in article 45 of the Constitution and regulated by laws of constitutional rank.

In this context, the establishment of the National Commission for the Promotion and Protection of Human Rights (CNPPDH) by Decree No. 438 of 13 June 1980 is worthy of special note. This is an autonomous and independent national institution organized according to the criteria recommended in resolutions 23 and 24 of the Commission on Human Rights of the United Nations dated 8 March 1978 and 14 March 1979, respectively, and General Assembly resolution 33/46 dated 14 December 1978.

PART I

(a) The Social and Economic Situation of Women in Nicaragua

The continuous changes stemming from a revolutionary process, which are so necessary but so contradictory in our present national situation owing to circumstances peculiar to the country, are reflected in the economic and social situation faced by women and by society in general.

In Nicaragua, that situation is sui generis, and the circumstances and conditions that have originated from a change in the structure of a society that is breaking away from old structures in turn generates other phenomena. Therefore we can note the following characteristics:

- After waging a war of liberation against the most cruel dictatorship in the hemisphere, the heritage was a country that:
  - Had been unmercifully pillaged and exploited,
  - Was economically and technically underdeveloped,
  - Had a deplorable degree of cultural backwardness, and
  - Had levels of production and training that were well below the average that was to be expected in view of its territorial and human resources.

Furthermore:

- We are under economic and military attack from the greatest imperialist Power in the world,
- An illegal trade embargo is being imposed on us, and
- That Power is financing the mercenary forces that destroy co-operatives, schools, health centres, production plants, etc.

Nicaragua: Economic damage resulting from imperialist aggression
($US million)

| | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | Total |
|---|---|---|---|---|---|---|---|
| Material damage | 0.5 | 4.0 | 11.0 | 58.6 | 27.7 | 20.5 | 122.3 |
| Production losses | 0.9 | 3.4 | 21.1 | 106.6 | 170.1 | 170.2 | 409.3 |
| TOTAL DAMAGE | 1.4 | 7.4 | 32.1 | 165.2 | 197.8 | 127.7 | 531.6 |
| Financial obstacles a/ | 0.0 | 8.2 | 38.3 | 61.3 | 92.1 | 73.0 | 272.9 |
| Embargo b/ | 0.0 | 0.0 | 0.0 | 11.7 | 15.0 | 50.0 | 76.7 |
| GRAND TOTAL | 1.4 | 15.6 | 70.4 | 238.2 | 304.9 | 250.7 | 881.2 |

Source: Economic Adviser's Office, Government House, 01/1986.

a/ Value of disbursements programmed by IBRD and IDB but not effected.

b/ Cost of buying and selling in other countries owing to the United States blockade.

To all this should be added:

- The unfair commercial relations imposed on us by the developed countries,

- The crisis affecting all countries at regional and world level.

These are some of the factors, both internal and external, that most directly affect the national economy and the social and economic situation of women. If we quantify important data we know that the war has cost more than 43,000 lives and more than $US 1,200 million in direct damage, without considering the fact that the indirect effects of imperialist aggression amount to more than $US 3,000 million.

To understand the crisis that Nicaragua is experiencing, we have to start by identifying the present situation within the transitional process that was launched on the basis of the revolutionary triumph and that set itself the aim of responding to a number of strategic demands. We also have to consider that the transitional process has been considerably affected by the imperialist aggression that we have been facing at the financial, political, diplomatic and military levels.

Nicaragua: Expenditure as the result of the war and reallocation for defence

| Items | Expenditure resulting from the war (1980-85) | Reallocation for defence (1985) |
|---|---|---|
| Basic cereals | $US 17.2 million | n.a. |
| Rice | n.a. | 10% of output |
| Beans | n.a. | 8% " " |
| Maize | n.a. | 8% " " |
| Agricultural exports | $US 102.8 million | n.a. |
| Industrial products | n.a. | n.a. |
| Textiles | n.a. | 19% of output |
| Footwear and tannery products | n.a. | 30% " " |
| Paper | n.a. | 5% " " |
| Metalworking | n.a. | 18% " " |
| Plastics | n.a. | 8% " " |
| Construction | $US 106 million | 20-60% of output |
| Fishing | $US 31 million | Part of the fishing fleet on coastguard duties |
| State budget | n.a. | 36% of expenditure |
| Demographic effects | 14,000 dead | 250,000 men involved in defence |
| | 10,000 injured or abducted | |
| | 120,000 displaced persons | |

Source: MINT, 1985.

Since 1983, the weight of the factors related to the covert war that the Reagan Administration has launched and is financing against Nicaragua have a decisive effect on the national economic situation. One of the principal objectives of this war is to destroy the economy, breaking it up and forcing the country to divert a large volume of resources - at the moment almost 60 per cent of the national budget - to defence, thus inevitably delaying the implementation of social projects for the benefit of the masses.

Though the above is a determining factor that imparts a very special character to the Nicaraguan crisis vis-à-vis other countries, there are also structural and cyclical factors that have generated the economic crisis that we are facing.

In the first place, it should be remembered that the economic development model based on export of agricultural products and inherited from the Samoza régime has structural weaknesses that determine our dependence. The Nicaraguan economy is based fundamentally on three sectors: agriculture, industry and commerce. Agricultural production is the determining factor owing to its volume but above all because it is the principal source of external income. Within the agricultural sector, the subsector of agricultural exports is capital-intensive and therefore has the capacity to accummulate and reinvest significant volumes of the wealth obtained from growing coffee, cotton, sugar-cane, bananas and other export products.

Price of the principal export products 1982-1986

| Item | 1982 | 1983 | 1984 | 1985 a/ | 1986 b/ |
|---|---|---|---|---|---|
| Cotton (Quintal Oro) | | | | | |
| CIF-Northern Europe c/ | 70.70 | 82.77 | 81.84 | 51.50 | 48.45 |
| FOB-New York | 67.52 | | 75.89 | 62.38 | 49.50 |
| Export price | 64.50 | 63.50 | 73.99 | 62.34 | 38.37 |
| Coffee (Quintal Oro) | | | | | |
| Quotation price | 139.87 | 131.69 | 144.25 | 145.56 | 194.69 |
| Export price FOB | 122.70 | 108.10 | 137.29 | 138.18 | 162.37 |
| Beef (lb) | | | | | |
| Quotation price e/ | 1.07 | 0.83 | 1.04 | 0.98 | 0.95 |
| Export price FOB | 1.10 | 1.01 | 0.89 | 0.86 | 0.82 |
| Sugar (Quintal, raw) f/ | | | | | |
| Quotation price, USA | 20.33 | 22.05 | 21.75 | 4.03 | 6.17 |
| Quotation price, world | 8.42 | 8.49 | 5.23 | 4.09 | 6.05 |
| Export price FOB | 17.60 | 13.30 | 9.44 | 5.99 | 11.37 |

Source: ENAL, ENCAFE, ENCAR, ENAZUCAR.
UNCTAD, Monthly Bulletin of Commodities.

a/ Revised figures.

b/ Preliminary figures.

c/ Stredd Middling 1/16" (taken from The Cotton Outlook).

d/ Other Mild Nicaragua (taken from The Coffee Report).

e/ Chicago Market (taken from The Yellow Sheet).

f/ Taken from OIA.

Balance of payments 1982-1985
(US$ million)

| Items | 1982 | 1983 | 1984 | 1985 a/ | 1986 a/ |
|---|---|---|---|---|---|
| 1. Current account | | | | | |
| A. Exports of goods and services | 455.5 | 469.9 | 426.9 | 340.4 | 292.5 |
| B. Imports of goods and services | 977.7 | 994.8 | 975.6 | 1 296.4 | 1 128.0 |
| C. Net balance/goods and services | (522.2) | (524.9) | (548.7) | (966.0) | (510.4) |
| D. Grants | 51.5 | 79.3 | 89.9 | 81.8 | 93.4 |
| E. Balance on current account | (470.7) | (445.6) | (458.8) | (814.2) | (742.1) |
| 2. Capital account | | | | | |
| F. Undetermined capital (b) | (83.1) | (106.1.) | (77.3) | (29.0) | (59.7) |
| G. Official bank capital | 454.3 | 588.2 | 545.5 | 493.6 | 223.2 |
| H. Balance on capital account | 371.2 | 482.1 | 468.2 | 464.6 | 163.5 |
| I. Balance of payments (c) (Change in net international reserves) | 99.5 | (36.5) | (9.4) | (409.6) | (578.6) |

(a) Revised figures

(b) Preliminary figures

(c) Includes errors and omissions

(d) Figure between brackets (negative value) indicates an increase in reserves, figures without brackets indicate a decrease

(e) Destination of exports: EEC, Japan, CACOM, LAFTA

(f) Origin of imports:
Council of Mutual Economic Assistance, EEC, LAFTA, CACOM
Source: Central Bank of Nicaragua (BCN)
Nicaragua in figures 1986, INEC.

One of the characteristics of the agricultural export model in Central America is precisely that it is labour-intensive, supports high rates of growth of the population and generates a significant flow of migrants to the cities, who swell the ranks of the unemployed and underemployed and generally live on the periphery

of the large urban centres. Our country is no exception, because this model determines the behaviour of the economically active population (EAP).

Structurally speaking, that is to say owing to its inherent expansionist dynamism, the agricultural export model produces stagnation in the production of food and consequently makes it necessary to import food; it also requires considerable imports of machinery and other inputs, which further aggravates our dependence (Gibson, 1987).

To sum up, the characteristics of the economic structure of Nicaragua are that it is based on agricultural exports and has low levels of industrialization, and that the production of manufactures consumes large amounts of foreign exchange, owing to the need to import machinery for agriculture and industry as well as to the consumption of imported petroleum.

With a structure that is so dependent on agricultural exports and the importation of petroleum, inputs and capital goods, Nicaragua was hard hit by the repercussions of the international crisis. The marked deterioration in the terms of trade was aggravated even more in the period 1980-1987, thus widening the gap in our balance of trade.

With the growing limitations on financing import requirements out of the foreign exchange generated by exports - although imports were restricted - the Government was compelled to resort to external financing. The accelerated increase in rates of interest, the external debt inherited from the Somoza period and the new debts contracted in the first years of the revolution left a significant degree of external indebtedness in the Nicaraguan economy, which it is impossible to pay back because it constitutes more than 264 per cent of GDP (gross domestic product).

As will be remembered, in 1985, the absence of payments and the rejection of the IMF adjustment programmes served the United States administration as a pretext for blocking multilateral loans to Nicaragua and the renegotiation of our debts to the international bank. The latter, together with the general reduction in loans from commercial banks to Central America, caused a serious shortage of foreign exchange. Similarly, the financial blockade imposed by the Reagan administration on the country compelled it to depend on bilateral sources, whose loans were generally tied to the purchase of particular goods. Hence it was necessary to adapt new technologies to old ones, which had a negative effect on the efficiency of production (arana et al. 1987).

The economic plan of the revolution

Alongside these elements, it is important to consider that as from 1979 Nicaragua launched a process of revolutionary transformation of the unfair and dependent economic model that had been in existence for many years. From July 1979, the State began to manage the economy and oriented its efforts mainly towards three objectives:

(1) Improving the living conditions of the population, trying to provide the people with the necessary resources to satisfy the basic needs of health, education, food and housing.

(2) The establishment of an economic model based on the mixed economy, in which agrarian reform would play a central part in providing land, individually or through co-operatives, for agricultural workers who, in the Samoza period, represented 50 per cent of the EAP, worked part-time and for the most part had neither land nor any other employment. The mixed economy model supposes the existence of a link between the State, capitalist and small production sectors.

Nicaragua: Gross domestic product by economic activity, million Córdobas

| Years | 1981 | 1982 | 1983 a/ | 1984 a/ | 1985 a/ | 1986 a/ |
|---|---|---|---|---|---|---|
| Items | | | | | | |
| Gross domestic product | 24 482.9 | 28 349.4 | 32 920.1 | 45 030.0 | 115 404.1 | 435 742.3 |
| Primary activities | 4 952.9 | 6 094.4 | 7 609.5 | 11 201.0 | 27 296.3 | 90 617.4 |
| Agriculture | 3 192.2 | 3 800.7 | 5 037.4 | 7 493.5 | 18 115.5 | 62 742.4 |
| Cattle farming | 1 526.3 | 2 067.7 | 2 334.4 | 3 471.3 | 8 608.1 | 25 697.4 |
| Forestry | 121.0 | 90.5 | 104.3 | 78.9 | 166.1 | 496.5 |
| Hunting and fishing | 166.4 | 135.5 | 133.4 | 157.3 | 406.6 | 1 681.1 |
| Secondary activities | 7 463.6 | 8 418.4 | 9 377.4 | 13 415.3 | 38 207.3 | 138 528.8 |
| Manufacturing industry | 6 525.7 | 7 436.5 | 7 974.4 | 11 424.6 | 31 901.8 | 120 735.6 |
| Construction | 760.4 | 826.3 | 1 192.0 | 17 490.0 | 5 748.4 | 15 365.4 |
| Mining | 177.5 | 155.6 | 211.0 | 241.6 | 557.1 | 2 427.8 |
| Tertiary activities | 12 066.4 | 13 836.6 | 15 933.2 | 20 413.5 | 49 900.5 | 206 596.1 |
| Commerce | 4 685.0 | 5 499.4 | 6 157.3 | 7 917.0 | 19 895.1 | 104 188.7 |
| General government | 2 178.3 | 2 432.1 | 3 174.1 | 4 258.5 | 10 638.6 | 32 011.4 |
| Transport and communications | 1 420.8 | 1 667.8 | 1 877.5 | 2 519.0 | 5 136.2 | 18 424.9 |
| Banks insurance and other | 893.4 | 853.3 | 986.5 | 1 244.3 | 3 364.8 | 14 496.0 |
| Electrical energy and drinking water | 589.0 | 671.8 | 728.8 | 913.5 | 2 191.2 | 7 625.1 |
| House prop. | 930.9 | 1 301.4 | 1 436.1 | 1 550.7 | 3 613.6 | 9 796.5 |
| Other services | 1 368.9 | 1 410.8 | 1 572.9 | 2 210.5 | 5 061.0 | 20 053.5 |

a/ Revised figures

b/ Preliminary figures

c/ Leading sectors in the national economy

NICARAGUA IN FIGURES 1986 INEC

Source: Ministry of Planning and Budget

(3) The reorganization of external trade in order to reduce dependence, and the nationalization of the financial system for the purpose of harnessing surpluses and channelling them towards social investment.

Also, external agression has considerably affected the national economy. Estimates of its impact during the period 1980-1984 indicate that direct material losses and damage amounted to $US 305 million and resultant costs in the context of the GDP were estimated at $US 2,238 million. In 1986, defence expenditure represented 40 per cent of the total government budget, which, as has already been mentioned increased by 20 per cent in that year. The war against imperialism is the principle cause of the increased growth in the fiscal deficit (Fitzgerald, 1987).

Nicaragua: Short-, medium- and long-term external debt
(Million dollars)

| Years | Balance at the end of each year: Medium/ long term | Short-term non-commercial (1) | Short-term commercial (1) | Total | Annual increase per cent |
|---|---|---|---|---|---|
| 1979 | 1 347.6 | | | 1 347.6 | |
| 1980 | 1 570.7 | | | 1 570.7 | 16.6 |
| 1981 | 2 163.2 | | | 2 163.2 | 37.7 |
| 1982 | 2 578.4 | | | 2 578.4 | 19.2 |
| 1983 | 3 262.9 | 525.2 | | 3 788.1 | 46.9 |
| 1984 | 3 900.2 | 461.2 | 74.4 | 4 436.5 | 17.1 |
| 1985 | 4 616.3 | 451.5 | 99.1 | 5 116.9 | 15.3 |
| 1986/2 | 5 483.3 | 520.5 | 120.0 | 6 123.8 | 19.7 |
| 1986/3 | 5 183.9 | 425.9 | 120.0 4) | 5 729.8 | 12.0 |

Source: Central Bank of Nicaragua, 24 February 1986

1. Not available for 1979-82
2. Estimated on the basis of programming
3. Preliminary, up to November
4. The programming figure was used

All the above, in addition to a significant external debt, produced rapid inflation in our economy as from 1984, reaching uncontrollable rates. The galloping inflationary process of recent years, therefore, was therefore determined by three factors:

(a) A very large fiscal deficit;

(b) An excessive portfolio of investments, especially in projects that would only produce revenue in the long term; and

(c) A gigantic exchange rate loss.

The difficulties caused by these factors were met by flooding the market with more and more cordobas without the corresponding backing in assets, helping to catapult inflation. This was reflected in the accelerated loss in value of money and an unusual rise in prices of all goods. Inflation reached the level of about 5,000 per cent at the end of 1987 (Stahler, INIES, 1988).

Adjustments in the economy

The economic difficulties of the dependent countries made it necessary to adopt stabilization and adjustment measures periodically. The stabilization and adjustment policies in the case of Nicaragua did not fit into the pattern offered by IMF, which is based on the assumption that inflation and internal imbalance can be corrected merely by reducing demand through the restriction of monetary supply and the devaluation of the currency. Nicaragua developed a programme of its own, following a long-term structural adjustment model oriented towards the fairer distribution of wealth and the gradual reduction of our dependence. However, this initial model has had to be changed with the worsening of the crisis.

In a very abbreviated form we can summarize the adjustment and stabilization experience of Nicaragua since 1979:

1979-1981: A phase of expansion in response to the urgent need to satisfy basic needs. (Arana et al., 1987.)

1982: A recessive adjustment following the drastic cut in imports.

1983: Increase of demand owing to the expansion of the investment programme and the growth of exchange-rate losses, which widened the external gap and the fiscal deficit.

1985: Implementation of new economic measures with the aim of reducing the external and internal gap (Pizarro, 1985), giving priority to resources for defence and rural areas and preferential treatment to short-term investments, and establishing savings and increased production as the main elements in our survival economy.

1988: A drastic monetary reform, the rate of exchange between imports and exports was equalized, State expenditure and the portfolio of investments were cut and most subsidies were eliminated; at the same time, prices were freed.

A significant correction of the course of the economy began with the last-mentioned measures. The monetary reform took out of circulation a large mass of money that had no backing; the adjustment of prices marked a tendency for equalization with those of imports, and together with the regulation of the exchange rate led to a revaluation of the cordoba vis-à-vis the value of foreign currencies.

The policy of reduction of the fiscal deficit made necessary a restriction of expenditure by all State institutions, giving rise to the combination of a number of ministries into a single ministry and a cut in the staff of official enterprises

and institutions to the minimum necessary for their operation. The elimination of subsidies forced all State enterprises to reorganize and achieve the necessary efficiency to be profitable, in view of the risk that they would be abolished.

The problem of the crisis is a very deep one, and all efforts made so far have been overtaken by events; the reason is that as long as there is no peace and no change in the unfair international order the crisis will persist and will continue to confront Nicaragua with the challenge of reconciling the processes of adjustment with the objectives of structural economic transformation, and the population will have to continue to face its effects. It should not be forgotten that these effects are a central part of imperialist aggression.

The integration of women in the economy

Participation by women in the national economically active population (EAP) is relatively high. In the urban sector, women constitute 42 per cent of the urban EAP, their share being most significant in commerce (63 per cent), services (51 per cent), and in manufacturing industry (37 per cent). In the industrial sector, their presence is greatest in textile mills, garment making, food production and pharmaceuticals.

Structure of participation of women
in the urban EAP, by branch of activity

| Branch of activity | 1985 |
|---|---|
| Total EAP | 42 per cent |
| Manufacturing industry | 37 per cent |
| Wholesale and retail trade | 63 per cent |
| Communal, social and personal services | 51 per cent |

Source: INEC, Survey of urban households, 1985.

On the other hand, employment in the informal sector represents a large proportion of the total employment of women, 65 per cent of the EAP being employed in this sector of the economy.

Women also have a large share in the rural agricultural sector, constituting 35 per cent of the wage-earning agricultural labour force. Women not only have a high numerical presence but are also carrying out work that used to be done exclusively or predominantly by men. Rural women also play a prominent role as producers, carrying out a variety of basic productive work for the subsistence of the rural economy. In the co-operative movement, 44 per cent of the co-operatives have women among their members.

In the context of our country's present experience, in a survival economy, women have come to play a key role in maintaining the economic subsistance of the Nicaraguan population. On the one hand, they have intensified their share of the labour market; on the other, they make a fundamental contribution to family incomes.

A striking fact is the high number of households headed by women, a numerically significant figure. Among women employed in agriculture, 38 per cent are heads of households. More than 20 per cent of rural households are headed by women. In the textile and garments branch of the industrial sector, one out of every three households is headed by a woman. The economic responsibility that falls on the shoulders of women is reflected not only in the fact that the women are the principal bread-winners but also in the fact that generally they contribute more of their income to the household expenditure than their spouses. Also, in most households, it is the woman who manages the family budget, a difficult task in the present conditions of economic crisis.

Managing the household budget is only one of the responsibilities of women who also carry out the basic domestic tasks necessary for the continued existence of the household. The women contribute most to the household if we take into account the fact that they engage in paid work and in the day-to-day activities of supply and maintenance. While men do only one day's work, women have other duties at home, which means that they do a double day's work.

As there are rural and urban child-care services their children are looked after, which constitutes genuine and effective support for them, with their double working day, though these services are not yet sufficient. Accordingly, the women's movement intends, as a strategy, to carry on a wide-ranging educational campaign as a form of ensuring that the other members of the family and, in particular, the men take responsibility for looking after the children and the other domestic duties.

In the health sector, there is a hospital specializing in the treatment of women and a maternal and child care programme carried out under the Ministry of Health, which has high priority among its activities, vaccination programmes that have considerably decreased infantile morbidity and mortality, and the systematic care offered by the territorial health centres.

Though significant advances have certainly been made in this respect, the most acute health problems of women occur with regard to her reproductive function, which is very closely related to the high fertility of women under 20 years (21 per cent of the total of mothers). The latter represent a high obstetric risk, which is reflected in the proportion of maternal deaths at these ages, which is higher than expected with a general level of mortality such as that prevailing in Nicaragua. Abortions are the third cause of maternal mortality and the high fertility rate (3.4 per cent) reflects the necessity for a systematic sexual education plan that will contribute to improving the health conditions of women.

With regard to education, we can say that in 1987 54 per cent of the enrolment of 903,500 students were women.

In primary education, with 590,000 pupils, 52.25 per cent are women. In the basic secondary course, women represent 63.4 per cent and in the diversified course, 66.9 per cent. The proportion of women in adult education is 48 per cent.

However, this percentage increase by no means signifies greater participation by women in the levels of formal education; rather, it is necessary to bear in mind in that context the effect of military service among males, which coincides with the end of the basic secondary course and the beginning of the diversified course.

Also, we cannot state that these percentages signify a change in the opportunities offered to women in the professions and in the traditional values that still persist in the education system. This has an effect on the option that

women have to select a technical or professional career. For example, we see that in the teachers' training colleges, 84 per cent of the students are women, which is reflected in the high percentage (75 per cent) employed in the teaching profession. On the other hand, in industrial education, scarcely 29 per cent of the students are women and most of the latter are employed in occupations related to sewing, tailoring and garment-making, and food preparation.

This shows us that there is still a sexist content in the prevailing system of vocational guidance which limits the possibility of making a substantial change that would have a major influence on women's participation in society.

(b) The principal measures, institutions and means used to promote and ensure in practice the principle of equality between men and women.

Ensuring in practice the principle of equality before the law of all persons, which is enshrined in article 27 of our Political Constitution, is still a permanent and tenacious struggle. The problem of eliminating from society the macho ideology that has been imposed for centuries is in itself a structural problem and requires not only changes in the legal, economic and social spheres but also an ideological change which involves effects not only for women but for society as a whole.

Though it is true that at the legislative level we have in the Magna Carta the framework of principles that prevail in our positive law, more changes are still necessary in all fields.

To guarantee these rights, which are enshrined at constitutional level, institutions have been set up that are specially directed towards the sector of women's interests; the representative organs of the State which have jurisdiction and competence to take cognizance of matters related to their particular functions are also used.

Thus, organs of the judicial system try cases brought before the various district and local courts competent in civil, penal or labour law matters, before the courts of appeal and even before the Supreme Court of Justice. There are agricultural courts to settle any conflicts that may arise in agricultural matters.

The rights of women are still rather limited as far as taking legal action is concerned, since in the ordinary laws they have not sufficient capacity to appear in court on their own behalf, since they are equated in legal capacity with children and disabled persons. Legal representation is required for them in most cases, to a particularly marked extent in the penal field.

At the public administration level, the Government Office for Women was set up in 1982. That institution was created especially with the purpose of co-ordinating and developing programmes for women in Nicaragua, and was reorganized and restructured as the Nicaraguan Institute of Women in 1987.

The Centre for the guardianship of Minors is another government institution responsible for solving problems in the sphere of the family; it benefits women and children by giving them protection and assistance.

An agency that is very effective in solving women's problems is the Family Guidance and Protection Office of the Nicaraguan Institute for Social Security and Welfare (INSSBI), which provides specialized and professional attention in legal, social and psychological matters - the latter owing to the sequels and/or adjustments that family problems tend to give rise to.

With regard to labour matters, there is in the Ministry of Labour (MITRAB) a team of legal advisers who give workers assistance in their conflicts in this area. The Directorate for Housing and Human Settlements also has a technical team that solves housing-related problems.

Under Decree No. 37 of 28 April 1988, the Office of the National Public Prosecutor is exclusively empowered to bring public action in respect of some offences. This constitutes a reform of Decree No. 1130, which gave it a monopoly over penal action; an information or accusation may be brought regarding the offences contemplated in the Decree through all the public prosecutors' offices in all the departments of the country.

Although the above-mentioned bodies are competent to take cognizance of conflicts and the commission of offences, respectively, it rests with the courts located throughout the country, as we already explained - the district and local courts, appeals courts and the Supreme Court of Justice - to settle all these conflicts and hand down judgements on them.

There are also other bodies that do not belong to the State, but to other organizations and institutions, that can be turned to for help. An example is the People's Legal Office under the Faculty of Legal and Social Sciences of the Central American University, which gives free legal aid to anyone requiring it; a similar function is fulfilled by the People's Legal Office of the Autonomous University of Nicaragua in the city of León.

On 8 March 1983, the Women's Legal Office (OLM), an organ of AMNLAE, 1/ was founded to respond to the call of thousands of women for specific legal assistance. This office has a team of specialists, i.e., lawyers, sociologists, and social workers and researchers, who tackle women's problems from all sides and give the direct attention required to each specific case. Among its essential objectives, we find that it exercises a monitoring function to ensure that the laws benefiting women are correctly applied and to propose reforms to laws that raise obstacles to the comprehensive development of women.

While helping to solve social problems directly concerning women, they also carry out a work of education affecting the awareness of all concerned. This is possible thanks to the on-going task of informing and communicating through workshops and brochures on women's rights. There are women's legal offices in Region II (León) and Region IV (Granada), in addition to the main office operating in Managua.

As we can see, the means used are mainly legal or administrative, although social participation of women also has relevance as a means of solving their problems. This can be seen, for example, in women's community participation, in other words, in their aggressiveness regarding community affairs expressed through the Sandinista defence committees.

(c) Application of the provisions of the Convention, effects of its ratification and means of invoking its provisions

All the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women can be applied to real and specific situations in our country, since these provisions also reflect the spirit and the letter of our Political Constitution.

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1/ AMNLAE, the Luisa Amanda Espinoza Association of Nicaraguan Women, which is continuing the struggle of AMPRONAC, the Association of Women Confronting National Problems, was founded in 1978 during the Somoza dictatorship.

At the time of ratification of the Convention, on 27 October 1981, the National Reconstruction Government Junta based revolutionary legality on the Fundamental Statute and the Statute of the Rights and Guarantees of the Nicaraguan People, which since that time has provided for equality before the law without distinction on the basis of sex, and provisions affecting women have already started to be changed; among the first laws, we can mention the law on alimony and and the law regulating relations between the mother, the father and their children.

However, it must be pointed out that the process of legislative change in the legal status of women is not an upshot of the accession of Nicaragua to the Convention, but responds essentially to the guidelines and principles of the Sandinista People's Revolution and the support of its institutions and organs shown by the revolutionary State.

Nor can we fail to mention that the support extended by the United Nations to Nicaragua in this area has been essential for promoting projects and programmes intended to change women's situation in all spheres, thus responding to the needs of a changing society.

The provisions of the Convention can be directly invoked before the competent courts through the normal channels. Since constitutional status has not been conferred on them, a change of jurisdiction is not required.

(d) Participation of women in the areas mentioned in the preamble to the Convention

All the above is related to the participation of women in tackling the problems and issues set forth in the preamble to the Convention, since the whole Nicaraguan people - including the women - are concerned to join forces to achieve the peace and wellbeing that are so necessary for the economic and social development of the country and of humankind as a whole.

The poverty and underdevelopment of the Latin American countries, which have been periodically exploited as sources of resources and raw materials for the technically and scientifically developed countries, and in this specific case by the United States, have closed off access to living conditions that are even normal and to basic education. The consequences are reflected in further exploitation and discrimination against women, who do not even have minimal participation in the public life of the States where their rights are still restricted in all respects. Despite all these limitations, Latin American women are endeavouring to change the status quo, something that will be very difficult to achieve without changing the dominant social patterns. Thus, we can observe that women's movements in Latin America are steadily growing.

In Nicaragua, since the Sandinista triumph, on 19 July 1979, the way has been opened to major and thoroughgoing social, political and legal transformations in which women are prime participants, aggressively taking on the role so often denied to them under the previous régime. Today they are continuing to participate both quantitatively and qualitatively in defence, production, education, health, etc.

In addition, Nicaraguan women are reaffirming their determination to contribute to strengthening peace among nations based on respect for sovereignty and the self-determination of peoples, the international principle of peaceful co-existence and non-intervention in the internal affairs of other States.

This concern for the wellbeing of the Nicaraguan people extends beyond the country's frontiers and is becoming worldwide in scope, since peace is required to enable people to live, produce and develop fully. Demonstrations repudiating all

forms of racial, religious or any other type of discrimination, and all forms of foreign colonial or semi-colonial domination or occupation daily give clear expression to the Nicaraguan women's aspiration to a peaceful world in which mutual co-operation and social progress will carry the day over systems of exploitation and represssion.

Consequently, because they are convinced that their aspirations will be realized only to the extent that social development progresses, and favourable conditions of dignity for the human person are achieved, Nicaraguan women support the steps being taken at the international level by the Revolutionary Government, which like many underdeveloped countries is seeking a balance in economic relations with the developed countries which would enable them to participate on a footing of equality in the international economic order, without detriment to their independence and their economic relations with other countries.

The Government of Nicaragua, which was deeply involved in defending the national territory in the face of the North American imperialist aggression perpetrated by counter-revolutionary mercenaries, and which was already aware of the economic implications of human losses for national production and society itself, in 1984 brought a complaint before the International Court of Justice in The Hague against the Government of the United States for the immoral aggression and illegal commercial embargo to which it was subjecting the Nicaraguan people.

By a judgment of the International Court, the Government of the United States was ordered to compensate the Government of Nicaragua for losses arising out of indirect aggression, mining of ports, commercial embargo, interference in the internal affairs of another State, etc.

## PART II

### 1. Constitutional, legislative and administrative provisions in force to ensure the equality of women in all spheres

In this report, we should like to mention the main measures and provisions thus far promulgated that mark a degree of development in the legal status of women in Nicaragua. We do not pretend to be making an exhaustive study of these provisions, but only wish to give you a general picture.

Women's rights will be taken up by subject and at the same time placed in the context of a society in revolution, giving a brief explanation of their content, legal nature and obstacles to their implementation and promotion.

It must be noted that the Political Constitution of the Republic of Nicaragua (promulgated on 10 January 1987), the first law of the Revolutionary State, contains the essence of the whole changing positive law which responds to a new social order and is therefore the main theoretical and legal statement undergirding the equality of women and of all people before the law.

#### (a) Personal rights

The social, economic and cultural changes brought about since the triumph of the Sandinista People's Revolution as results of the adjustment of Nicaraguan society to the new social relationships emerging from the revolution go hand in hand with changes in existing laws and the creation of a new legal order which meets the interests of the Nicaraguan people and changes the legal status of women.

Human rights

In accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the other international treaties signed by the Republic of Nicaragua, and in keeping with the principles of the Charter of the United Nations, to which it is a party, the Political Constitution provides in article 46, chapter I, title IV, on personal rights, that "every person shall enjoy the protection of the State and recognition of the rights inherent in the human person, the unrestricted respect for and the promotion and protection of human rights and the full implementation of the rights enshrined in the Universal Declaration of Human Rights; the American Declaration of the Rights and Duties of Man; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights of the United Nations; and the American Convention on Human Rights, of the Organization of American States".

Genuine respect for the human person as such only became possible with the overthrow of the Somoza dictatorship and the establishment of a new socio-political system. In Nicaragua before 19 July 1979, people had none or almost none of their personal rights recognized, since in addition to the fact that the people were suffering the cruelest repression, these rights were suspended because martial law was in force throughout the country, being used by the dictatorship as an instrument to keep the people in a state of injustice and exploitation and to persecute and attempt to destroy the revolutionary movement in all its manifestations.

This degree of exploitation is also reflected more faithfully in the grave situation of women, who then suffered forms of domination that were the most aggressive expression of the ideology of discrimination.

Today, Nicaraguan women, under the protection of constitutional and ordinary laws, enjoy respect of their most fundamental rights, such as the right to life and freedom in all its expressions, in accordance with the provisions of articles 1, 2 and 3 of the Convention.

Within the framework of respect established by the new revolutionary laws recognizing this right for women, two months after the triumph of the revolution, Decree No. 48 of 13 September 1979, on communication media, was promulgated, prohibiting in article 3 the publication or use of representations depicting women as sexual or commercial objects, thereby legally protecting women's dignity as the active subject of this process.

Equality before the law

This principle, which is upheld by most of the articles in the Convention, is embodied essentially in article 27 of the Constitution as a personal right, reflecting the political determination of the Revolutionary Government to extend to Nicaraguan women one more instrument in the struggle to eliminate discrimination against women by all the means available, since based on it, mechanisms can be used that ensure full participation free from differentiated and discriminatory treatment.

Equality before the law is also reflected in women's political rights, and in the family law contained in articles 48 and 73 of the Constitution, respectively.

None the less, de facto equality between women and men has not been achieved in practice, since male chauvinist habits persist and are hampering the comprehensive development of women and change in attitudes towards this problem by

society as a whole. There are major obstacles to be overcome in this matter, since although it is accepted that women can and should be equal to men in all spheres, the patriarchal idea that women should be subordinate to men persists in social attitudes, and as we know, this kind of change cannot be decreed by law.

In other words, legal provisions are not enough to establish women's equality with men; action is required in all areas to awaken an understanding that women's emancipation is a means for bringing about the development of humankind as a whole.

Nationality

Women's nationality will not be affected by marriage or its dissolution, since the law provides the same conditions for men and women. Similarly, the Constitution, in article 16, paragraphs 2 and 3, stipulates that a Nicaraguan father or mother shall have the same rights in respect of the nationality of the children. Article 9 of the Convention.

As regards the personality of every natural or legal person, there are no insoluble problems because the law is very clear on this matter and specific provisions apply to it.

There may be problems when a foreign law embodying provisions different from ours is involved, and this can arise specifically in the context of the right of option.

Domicile

The domicile of a woman in Nicaragua is still the subject of contradictions in the legal context. Thus, while article 31 of the Constitution states as a personal right that: "any Nicaraguan citizen has the right to move freely and establish a residence in any part of the national territory", our Civil Code provides that a woman's domicile shall be her husband's domicile and that she shall follow him wherever he goes (see Civil Code, (1904), article 44); this is a provision which subordinates the woman to any movements by her husband, representing an open violation of her rights.

Noting the patriarchal attitudes that can be observed in the Civil Code, we can see that a woman is not only in a subordinate position during her married life, but that this state persists even after she is widowed, as provided for by the same article, which states that a widow shall keep the domicile of her deceased husband until she enters into a new marriage, whereupon the subordination is perpetuated.

Legal capacity

This aspect of legal personality is provided for in article 25 of the Constitution, which states that "every person has the right: ... (3) to recognition of his or her legal personality and capacity".

In article ..., the Civil Code states that capacity is inherent in all natural and legal persons. The reference to all persons includes women, but throughout the Code we find provisions that diminish this capacity. For example, for the administration of property, an adult woman, when unmarried, may freely dispose of such property, but when she is married she may do so only in the absence of her husband.

Legal capacity, understood in both its aspects, namely, civil capacity and capacity before the courts, is not fully exercised by women. In other words, their

capacity is limited and they are discriminated against in various legal relationships, as well as in their capacity before the courts to the extent that they do not enjoy full exercise of the right to bring suit.

(b) Political rights

Equality of exercise of rights

Women are becoming increasingly politically active in Nicaragua in the context of the Revolution. With the replacement of an oppressive political régime by a new one which is constantly creating political space so that all citizens can achieve full participation, women's exercise of political rights is also gaining ground. We find this laid down in article 48 of the Constitution, which establishes "the unconditional equality of all Nicaraguan citizens in enjoyment of their political rights; in the exercise of the same and in the accomplishment of their duties and responsibilities, there shall be absolute equality between men and women. It is an obligation of the State to eliminate all obstacles representing a de facto hindrance to equality between Nicaraguan citizens and their effective participation in the political, economic and social life of the country".

This huge stride forward in the exercise of women's political rights is recognition by the law of a whole historical process, in which women have played the leading part through their struggle to transform the archaic legal and social institutions that subjugate them and discriminate against them.

Referring to article 7, subparagraph (a), of the Convention, we can state with certainty that, in Nicaragua, there is aggressive political participation by women in exercise of their right to elect and be elected for all bodies whose members are publicly elected (article 51 of the Constitution). This was clearly demonstrated when a woman became Vice-President of the National Assembly, which is the legislative body, in which 14 of the 96 full members and 13 of the deputy members are also women.

Public participation

The guarantee of exercise of this right is embodied mainly in articles 50 and 55 of the Constitution, which stipulates "the right to participate on an equal footing in public affairs and the management of the State", and states that "Nicaraguan citizens have the right to organize themselves in or join political parties with a view to participating in and exercising decision-making and standing as candidates for decision-making posts". These articles extend to the national and local levels through application of the law guaranteeing effective participation of all the people. To this end, the new electoral law embodies special provisions which have quasi-constitutional status. At the local level, we might mention the recently approved Municipalities Law.

As regards women's right to hold public office, the provisions of article 7 (b) of the Convention have already been fulfilled and the realization of this right is steadily gaining ground. As an indication, we might mention several public offices and positions in which Nicaraguan women participate effectively:

- Minister of Health;
- Vice-President of the National Assembly;
- Vice-Minister of the Office of the President;
- Vice-Minister of the Secretariat of Planning and the Budget;

- National Chief of Police; 2/

- Supreme Court judges.

Right to organize

The organization of women in Nicaragua dates from before the triumph of the Sandinista Popular Revolution, when it was one of the instruments for overturning the Somoza régime and provided a means of struggle against class exploitation and the gender discrimination to which women were so mercilessly subjected.

The Luisa Amanda Espinoza Association of Nicaraguan Women (AMNLAE), 3/ a movement to which many women belong, has received the full legacy, and is carrying on with this struggle, giving effect to this right explicitly embodied in article 49 of the Constitution: "in Nicaragua, the right to establish organizations rests with urban and rural workers, women, young people, livestock producers, artisans, professionals, technicians, intellectuals, artists, persons in the religious vocations, the communities of the Atlantic coast and settlers in general ...", which is in line with article 7 (c) of the Convention. It also states that this right shall be exercised "without discrimination of any type, for the purpose of realizing their aspirations in accordance with their own interests and participating in building a new society".

At its Congress in February of this year, the Organization of Professional People in Nicaragua (CONAPRO) decided to establish the Secretariat for Women's Affairs, and this decision was approved in the Assembly of Delegates on 12 March. This means that organized women who are working for better economic, political and social conditions in accordance with their interests and without distinction based on social or economic position, are putting into practice their capacity to participate and direct, concerning themselves at once with development of awareness of their problems and with social change.

As regards article 8 of the Convention, it is appropriate to recognize the substantial work that Nicaraguan women have done as representatives of the Revolutionary Government abroad:

(a) In diplomacy, as ambassadors to other countries;

(b) As representatives to international agencies and organizations.

It is our honour in this report to recall Comrade Nora Astorga, who at the time of her death was Ambassador of the Republic of Nicaragua to the United Nations, 4/ and has been declared a Heroine of the Motherland and outstanding combatant of the Sandinista National Liberation Front.

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2/ Nicaragua is without a doubt the only country in Latin America or the world in which this public office is held by a woman. Comrade Commander Doris Tijerino is also President of the Continental Women's Front against Intervention.

3/ As we mentioned in our first report, AMPRONAC was a forceful movement countering the dictatorship, which after the triumph passed on all its combative spirit to AMNLAE.

4/ Nora Astorga was the founder of AMPRONAC, the predecessor organization of AMNLAE.

(c) Civil rights (Family rights)

Changes in the law have had the greatest implications for the civil sphere although we still have a legislative system that dates from 1904 (the civil code and the code of civil procedure) which formally hampers women's development in Nicaraguan society.

In the first report submitted, on the period to 1987, we already mentioned the main laws promulgated to free women from subordination to men, blazing a path towards their emancipation. Some of these laws are:

- Law regulating relations between the mother, the father and their children;
- Law on adoption;
- Law on alimony;
- Law on the promotion of breast-feeding.

We shall therefore confine ourselves to mentioning the main areas of the law which have undergone serious and profound change in essence and concept. These, as already explained, are outlined in historical and social terms in the first report, with an indication of articles in our legislation and those of the Convention to which they are related.

Family

Matters relating to the family are regulated by articles 70 and 71 of the Constitution, which recognizes the basic role played by the family in society as the primary formation for transmission of values.

Since the advent of the new revolutionary social order, the forms of domination and subordination to which women and children were subjected because they depended economically and socially on men are being broken down in family relations. Article 73 of the Constitution sets forth the new values - respect and solidarity - that reflect the requirements of these new relations. Equality of rights and responsibilities between men and women as regards the children and the home is posited. Already in 1982, with the promulgation of the law regulating relations between the mother, the father and their children, the crucial role of women as agents for change in society was recog ized, and the legal institution of paternal authority was abolished because it con ituted an obstacle to women's equality.

In this way, the new laws assign to both the father and the mother responsibility for the care, raising and education of their children, and these relations are enlarged in the sense of conferring on the children responsibility for protecting their parents, above all in old age, thereby making them a part of problem-solving in the family unit.

Furthermore, the State makes specific reference to its intervention in this area in article 76 of the Constitution: "The State shall establish programmes and develop special centres to care for minors; the latter shall have a right to the preventive, protective and educational measures made necessary by their status, provided by their families, society and the State."

Some agencies and institutions, having concern for the advancement of legislation at the national and international levels, have proposed the preparation of a family code regulating all the legal relations and situations arising from the

family, since if the concept of this legal institution is enlarged through the Constitution, the relevant legal provisions will also have wide application.

Marriage

Marriage was the legal institution that constituted the essential instrument for subordinating women to the will of men with regard to care of and authority over the children, administration of women's property, political participation and affiliation, mobility and domicile, civil capacity and capacity for action (capacity before the courts), etc. Its legal nature does not derive solely from a solemn contract, as was established in the civil code, but extends to society and the responsibility of the State.

Besides marriage, article 72 of the Constitution recognizes the existence of the stable de facto union, declaring that such a union is protected by the State. In this way, legal effect is given to such unions, which are a fact in our country and are the basis of many nuclear families. The law to regulate implementation of this constitutional provision has not yet been promulgated.

In addition, with reference to article 16, subparagraphs (a) and (b) of the Convention, the same article of our Political Constitution establishes that both marriage and stable de facto union "shall be founded upon the voluntary agreement of the man and the woman" and that they shall be "protected by the State".

Divorce

This legal institution has completely changed in its formal and material, substantive and superficial aspects. Our Political Constitution, in article 72, abolishes the discriminatory system of divorce, which laid down condemnatory grounds that were mainly differentially applicable to women. Our legislators based themselves on intensive debates at both the legislative and popular levels, which resulted in a more fitting legal arrangement for the matter, taking into account that if marriage is by voluntary agreement of the parties, its dissolution must obey the same considerations.

The new procedural law for the dissolution of marriage, approved by the National Assembly on 27 April 1988, gives Nicaraguan women a more flexible procedure for solving the problems that usually arise in connection with dissolution of marriage, such as maintenance of and care for the children (a vital issue for the approval of this law), administration of joint property, etc.

A brief analysis of the scope and effects of this new law tells us that the development of couple relationships attains higher levels of respect and fraternity, and in view of the volitional approach for dissolution of the bond, each partner will assume greater responsibility for maintaining the legally established union. At the same time progress is being made socially in breaking the hold of male chauvinist approaches which discriminate against women.

However, the procedural law for dissolving the marriage bond does not fully respond to the expectations for ending discrimination against women, since although in civil law the grounds for divorce have been eliminated, including adultery for women and cohabitation for men, there are still provisions in our penal code that make adultery an offence, and this should be taken into account for reform of the code.

Adoption

Under the new law on adoption, 5/ the whole concept of adoption is changed, in the context of the new body of law emerging as family law and the law of minors. Adoption is no longer an institution that gives people without children a descendant for their happiness and continuation of their biological line and for inheritance, but rather it provides a minor in need with parents who concern themselves for the child's overall wellbeing, in other words, its primary purpose is the benefit that the minor will derive from being integrated into a family, and whether the adoptive parents have other children is of no importance. The law expands the sphere of application of adoption, in that single people who meet the conditions laid down may also adopt children.

For implementation of adoption, in addition to the law, a monitoring function is provided, in institutions assigned for the purpose, by psycho-social and legal professionals, who advise adoptive parents and ensure protection of adoptees.

One effect of this law as concerns the adoptee is that he or she becomes a full member of the family as a legitimate child of the adopter and breaks all links or connections with his or her natural family.

The adopter may not revoke or cancel the adoption by agreement of parties, and must fulfil all the obligations in accordance with the law regulating relations between the mother, the father and their children.

Thus, the State provides for and ensures the care of minors, maintaining a forceful policy as regards its responsibilities towards the family and society.

(d) Penal law

The discriminatory and unjust provisions affecting women under the penal law, both in the penal code and in the code of penal procedure 6/ raise formal obstacles to the exercise of women's rights and reflect the ideology of discrimination, a throwback to the earlier socio-political system.

Abuse

Although the Constitution confers minimum guarantees for equality of conditions on every accused person (article 34), the penal code in force since 1974 restricts and diminishes women's rights and their capacity before the courts.

An example is afforded by article 36 of the Constitution, which provides that: "everybody shall have the right to respect for his physical, psychological and moral integrity. No-one shall be subjected to torture or penalties or treatment that are cruel, inhuman or degrading. Violation of this right shall constitute an offence and be punishable under the law".

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5/ Submitted by AMNLAE for discussion in the National Assembly and approved by decree of 12 October 1981, it supersedes the law on adoption of 1960.

6/ The penal code and the code of criminal procedure - the latter laying down procedures for the application of the relevant laws - were promulgated in 1974, during the Somoza dictatorship, and were in essence an instrument of repression against the people as a whole. Apart from having lent legitimacy to the repressive policies of the period, they contemplate differentiated treatment for women. Most of these provisions are still in force, and a thoroughgoing change in this area of Nicaraguan law is needed.

None the less, the customary abuses against the physical, psychological and moral integrity of women is not considered to be an offence, but rather as a rule is treated by the authorities as a misdemeanour, in accordance with the provisions of the penal code, book III, Title on common and official misdemeanours, chapter I on misdemeanours against persons, article 553.

Recently, the Luisa Amanda Espinoza women's movement has been planning to prepare a specific proposal for reform of the penal code, among other things, to make abuse of women and children an offence rather than a misdemeanour. At the same time, the Family Protection Office of INSSBI is carrying out studies and research in the physical and psychological aspects of abuse of women, children and the elderly, and is seeking legal means to prevent it or reduce its frequency, and in this way is giving greater coverage to the problem of abuse as a problem within the family.

Other proposals for reform of the penal code

Apart from the proposals already mentioned, it is also intended to submit to the National Assembly specific proposals for the reform of certain articles of the penal code which undermine women's dignity and diminish their capacity before the courts.

We should note that this is an ongoing activity of the women's movement, which remains at the vanguard in action to guarantee women's rights. These reforms refer specifically to:

- Chapter VIII, with reference to the offences of rape and seduction. These offences are private, and penal action is extinguished by pardon on the part of the victim;

- Chapter XII, on the offences of adultery and cohabitation. These were eliminated as grounds for divorce when the new law on dissolution of the marriage bond at the desire of one of the parties was approved, but they were not eliminated from the penal code as offences, and are therefore still punishable.

The discriminatory and differential nature of this provision is clearly seen in treatment of the offence, since a case may be brought for adultery - which affects women - in whatever way the act may have been committed, while a case may be brought for cohabitation only when the offence has been committed publicly and flagrantly.

In book II on offences against persons, chapter I, articles 129 and 130 on the offence of homicide provide that when the father, brother or spouse surprises the daughter, sister or wife, respectively, in adultery and kills her or her accomplice, a penalty of only two to five years of prison is imposed, whereas the offence of homicide defined as one person depriving another one of life is punishable by 6 to 14 years of prison with labour. This is as regards only the offence of adultery and not that of cohabitation.

Regulation of the penitentiary system

With reference to the penitentiary system in Nicaragua, women enjoy special treatment, which gives them the opportunity to be socially rehabilitated by serving their sentences, depending on the offence committed, through education and training programmes established in the Nicaraguan prisons. Many women sentenced for different offences serve their sentences under the open system.

Article 39 of the Constitution lays the basis, and also guarantees that "women sentenced to prison shall be incarcerated in penal centres that are separate from those for men, and it shall be ensured that the guards are of the same sex".

The guidelines for the National Penitentiary System are eminently humane. The new regulations permit marriage between interns, 7/ for whom periodic visits are scheduled, and even temporary passes are granted to enjoy their relations as a couple, as decided on the merits of each case.

It should also be noted that female inmates who are already pregnant or become pregnant during this period serve their sentences at home until the child reaches the age of three months.

Trafficking in persons and prostitution

Article 40 of the Constitution totally prohibits servitude, slavery, or trafficking in persons of whatever nature; this is in line with article 6 of the Convention. In view of the social problem of prostitution as a consequence of the poverty and oppression that women have suffered, having been especially humiliated under the previous political régime, which almost instutionalized it by establishing categories and collecting from women charges based on earnings for engaging in it, the Revolutionary State is laying the legal foundations for the total eradication of prostitution, which together with the provisions already laid down in article 552 of the penal code, will be more effective to the extent that the people as a whole shoulder their social responsibilities in the matter.

Besides the prohibitive provision, institutions have been set up to ensure that this practice is eliminated and to integrate women into work that is more in keeping with human dignity, at both the State and the social levels. One of these is the Family Protection Office of INSSBI.

(e) Social and economic rights

The aspects of health, education, labour law and social security were fully dealt with in our first report on implementation of the provisions of the Convention, and there have been no major changes to date. Since a few considerations were omitted from that report, we shall touch on them specifically:

Social security

The social security law incorporates the category of female comrade and enlarges the concept of old-age pension beneficiary, adapting it to the social reality that not all couples are legally constituted, a situation that arises more often in the rural sector. In addition, it allows women more time to rest after childbirth (see Official Gazette No. 49 of 10 March 1982).

The Political Constitution of 1987, in article 82, paragraph 7, lays down this right to social security for comprehensive protection and to means of subsistence in cases of disability, old age, professional risks, sickness and childbirth and in cases of death under conditions determined by the law.

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7/ This is the name given to prisoners in the prisons or under other penal arrangements of the Nicaraguan penitentiary system.

Labour law

Although some, but very few, Nicaraguan labour laws have been reformed and although the Constitution lays down that there should be no discrimination for whatever reason, we see that women are not in the same position as men as regards the exercise of this law. Discrimination in this respect takes a more subtle form; men do not deny women the right, but there is a strong occupational segregation which limits women's participation in management positions and even in training programmes.

A study recently carried out by the Nicaraguan Women's Institute concerning female workers in the textile industry shows that, while men receive training in traditionally male types of work, women are denied access to these types of work, such as the repair of machinery. As regards wages, the existence of the phenomenon of occupational segregation is observed, leading to a discriminatory wage policy. This is also expressed through the promotion policies applied by enterprises and industrial concerns; in this branch it was observed that female workers account for 85 per cent of the labour force, but the management-level positions are occupied by men.

In addition, there are specific factors relating to the female labour force in connection with their traditional domestic role which also have implications for the productivity of women workers. Specifically, their home responsibilities are very relevant and influence their accomplishment of production norms, workplace absenteeism, their health and the lack of opportunities for training, making it impossible for them to fulfil the norms on an equal footing with men.

The factors that continue to limit women's exercise of their right to work laid down in the Political Constitution - as indicated above - and hamper a large-scale incorporation of women into economic and social development need to be tackled by breaking down outmoded patterns that are still preventing women from fully exercising and enjoying their rights.

Motherhood

One of the factors that most affects women in their attempts to escape from their subordination is the denial of their right to decide concerning their biological reproductive capacity and to choose as regards motherhood.

The legislation protecting motherhood has been developed in Nicaragua since the triumph of the Revolution, just as have the other rights referring exclusively to women. Article 74 of the Political Constitution states: "The State shall provide special protection to the human reproductive process. Women shall receive special protection during pregnancy and shall enjoy leave with pay and adequate social security benefits. Nobody may refuse employment to women for reasons of pregnancy nor dismiss them during pregnancy or in the post-natal period, as provided for in the law." In the Labour Code, too, there are provisions guaranteeing the health of pregnant women and unborn children, and ensuring the rights of working women, thereby recognizing their social function - all this fully in line with the provisions of article 5, subparagraph b, and article 11, paragraph 1, subparagraph f, and paragraph 2, as well as article 16, subparagraphs d, e and f, of the Convention.

One of the new laws providing for this is the law on protection of breast-feeding.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Second Periodic Reports of States Parties

Addendum

VENEZUELA

[redacted]

V.89-55318(EX)

The fundamental objective of the present report is to present a summary account of the progress made by Venezuela between 1985 and 1988 in following the guidelines of the Convention on the Elimination of All Forms of Discrimination against Women.

Although the State of Venezuela has been developing during the last few years a series of policies calculated to guarantee equal opportunities for women so that they can both progress fully as human beings and participate at all levels in the country's development, there remain a series of obstacles which prevent a significant improvement in this field. These obstacles are beyond the control of the State and condition the long-term effectiveness of the actions taken.

The main obstacle which has to be overcome is undoubtedly the whole system of values, beliefs and models which assert the inequality between men and women, assigning to the latter a role and status which degrade them as human beings. These values are deeply embedded in the bulk of the population, regardless of sex, and are institutionalized in the entire social, legal and economic structures of our society.

Another obstacle, which is actually related to the above, is the inadequacy of the human and economic resources assigned to the development and promotion of the programmes and projects intended for the status of women.

The economic crisis which has affected the country during the past few years has also affected the budget for the State's social policies, policies that include those intended for the status of women, which are thus not being granted sufficient resources to ensure a maximum coverage of the programmes as well as a deeper level for them, and especially their efficient supervision and evaluation.

Nevertheless, and in spite of these obstacles, it is possible to cite a number of most significant policies developed by the State for the advancement of women in the realm of social, legal, economic and political equality.

In the first place, there are the organizational policies destined to create an environment for the planning, elaboration, development and evaluation of the programmes directed at the elimination of all forms of discrimination against women. We thus have:

1. The creation of the Ministry for the Family in 1987 as a focal point for the social policies of the central State of Venezuela directed at the family as a basic social unit as well as to each of its members. Through this Ministry, the State social policies are co-ordinated with other agencies and institutions, both national and international, governmental and non-governmental, so as to ensure that the actions undertaken have a greater coherence, dynamism and scope. Moreover, the Ministry for the Family formulates, develops and evaluates projects and programmes attending to the basic needs of the family in general, and of women, children, young persons and the aged in particular.

In spite of its recent creation, the Ministry has conquered a space for the family and its members as subjects of development, projecting the importance of its work in this field upon the whole of society.

It is also from this Ministry that most of the legal, economic and political actions destined to ensure the equality of women have been co-ordinated, more particularly from the Ministry's Sectoral Directorate for the Promotion of Women.

2. The creation in 1987 of the General Sectoral Directorate for the Promotion of Women under the Ministry for the Family.

The General Sectoral Directorate for the Promotion of Women is the main authority of the National (central) Government in charge of the formulation, co-ordination and supervision of programmes and projects directed at the achievement of an effective participation of women in the country's socio-economic, cultural and political spheres and in the promotion of their social and political rights.

The origin of the General Sectoral Directorate for the Promotion of Women goes back to 1974 when the Advisory Committee for Women to the Presidency of the Republic was set up in order to enhance and guarantee a greater and fairer participation of women in the various aspects of the life of the nation. Subsequently, a new Government decided to establish in 1979 a Ministry of State for the Participation of Women in Development, in order to devise policies for including women in the plans for national development. Then in 1984, following the recommendations of the Regional Intergovernmental Preparatory Meeting organized by the Economic Commission for Latin America and the Caribbean for the World Conference to Review and Appraise the Achievements of the United Nations Decade of Women and of the OAS Inter-American Commission for Women, the National Women's Office was created and placed under the Ministry for Youth. This Office started as an advisory body in charge of co-ordinating the work on the evaluation of the Decade for Women in Venezuela. This work served as a basis for the same Office to put forward projects relating to an effective integration of women in development and to start a number of programmes in various different social areas. When the Ministry for Youth was superseded by the present Ministry for the Family and when the National Women's Office became the General Sectoral Directorate for the Promotion of Women, that Directorate took up the projects and programmes which were being developed by the National Women's Office and, along with other plans, strengthened the State's role in the management of nation-wide social policies directed at the population, thus giving the governmental work in favour of women a greater depth, organic strength and legitimacy.

3. One of the most important achievements in the work undertaken since 1984 has been the organizing of the advisory Committees of the General Sectoral Directorate for the Promotion of Women. These are six committees consisting of persons who are highly qualified in their respective fields of activity, and who belong to all the political trends in national life and include the sectors of Education, Labour, Legislation, Social Communication, Health and Political Participation. This group of volunteers, most of whom are women working in the various committees, have the task of advising the Ministry for the Family and the General Sectoral Directorate for the Promotion of Women in the formulation of projects and investigations, as well as the elaboration of policies for the elimination of all forms of discrimination against women in each of the above-mentioned sectors, establishing priorities and strategies to be followed in the next few years.

This pluralistic and interdisciplinary work that has been developed in the Advisory Committees is part of an effort to guarantee the participation of women in the planning, development and evaluation of State policies directed at them. The emphasis has been placed on the need for team work, and on the need to lay down political and ideological positions when working in favour of women.

These committees are the outcome of the meetings held to evaluate the results of the Decade of Women in Venezuela organized by the National Women's Office, which served as a basis for the document presented by our country to the World Conference to Review and Appraise the Achievements of the United Nations Decade of Women, held at Nairobi in 1985. As from that moment, these advisory bodies have been gathering strength until 1987, when each of the participants was sworn in by Mrs. Virginia Olivo de Celli, Minister for the Family, who requested their co-operation to elaborate plans of action in each of the above-mentioned sectors, plans which would then serve for the Ministry as a whole as points of departure to deal with the problems of Venezuelan families.

At present, 150 persons are taking part in these committees and the plans of action of each one of them are summarized in a publication entitled "National Policy Directed at the Development and Promotion of Women in Venezuela (report of the Advisory Committees 1984-1988)" published by the General Sectoral Directorate for the Promotion of Women.

Second, an account is given below of the actual policies put forward by these bodies to foster the equality for women.

The following may be mentioned:

In the realm of the law:

1. Partial Reform of the Penal Code

A large number of women and specialists in the legal field were convened by the National Women's Office in order to carry out a careful examination of the provisions of criminal law in force and of a proposal for reform prepared by distinguished criminal lawyers; the meeting produced a document proposing reforms on those points which are considered to affect the rights of women.

Among the new proposals elaborated by this group, mention may be made of the following:

1. The elimination of the article which provides for mitigation of the penalty against a man who rapes a "woman of ill-repute"; it is proposed that, with regard to the penalty for rape, there should be no difference between one woman victim and another. Furthermore, it is proposed that the concept and denomination of "woman of ill-repute" be struck out of our entire legislation, considering that it has a discriminatory ethical connotation which conflicts with the postulates of our National Constitution.

2. The need to review the legal provisions making adultery a criminal offence, since the existing legislation restricts the application of the principle of unity of affiliation established by the reform of the Civil Code (1982). Any married person who has a child as a result of extra-marital relations will at present refrain from legally acknowledging that child for fear providing evidence of the criminal offence of adultery: the risk of being sent to prison will make the parent refrain from regularizing the child's status.

3. That abortion should cease to be a punishable offence in the following cases:

- when it is performed for medical reasons as an indispensble means of saving the pregnant woman's life, or in order to avoid her physical harm or even mental harm;

- when it is necessary for eugenic reasons in order to avoid the transmission of serious physical and mental deformities to the unborn child; in the case of incest or when the mother or father suffer from oligophrenia or epilepsy and at least three specialists suspect damage to the foetus. Likewise, when the mother has been exposed to radiations liable to cause physical or mental damage to the foetus.

- in the case of rape: when the pregnancy is the result of a rape and the offence has been fully established;

4. Making domestic ill-treatment between spouses a punishable offence, i.e. in the case of a continuing ill-treatment causing harm to the other spouse. "Ill-treatment" is understood to mean acts that cause physical, psychological or moral suffering, humiliation, harm or abuse that is degrading to the dignity of the person.

2. Reform of the Labour Law

The proposals for the amendment of the Labour Law are the outcome of the discussion by women familiar with the subject of a proposal for reform presented by Dr. Rafael Caldera to the Congress of the Republic. The National Women's Office co-ordinated the discussion of the law and a document was produced which was submitted to the Congress of the Republic for consideration.

The proposals for amendment relate to the following:

1. Those provisions which, on the pretext of protecting women, limit their access to jobs, namely those referring to the prohibition of employment in certain categories of jobs and for night work. Regarding these prohibitions, it is proposed that working women be allowed the freedom, at their own risk, of choosing among the various categories of jobs available in the labour market.

2. There are other articles which limit the participation of women: those which deal with the protection of motherhood as a feminine condition and not as a social function. As far as this limitation is concerned, it has been proposed to introduce a special chapter concerning the Protection of Motherhood and the Family, which will specify that the duration of the pre-natal and post-natal leave from work be revised for both natural and adoptive mothers. It is also proposed to prohibit the dismissal of pregnant working women and to broaden the range of services of the institutions for child care, by means of agreements between employers, workers and government bodies.

3. It is proposed to introduce into the labour legislation provisions that will prohibit discrimination in employment on the grounds of sex, marital status, family situation or responsibilities, or physical, psychic or sensory limitations which are not disabling from work.

4. It is proposed to introduce other important norms, as follows: a preference in the allocation of jobs in favour of heads of family, regardless of sex; steps to protect the co-ownership of the marital community's assets, including a norm which will permit the withholding of up to 50 per cent of a male or female worker's remuneration during the period of married life or concubinage for the benefit of the other spouse or concubine; measures to grant housewives the same social and economic benefits as those granted to women employed in other categories of work.

It must be noted that although the proposals to amend the Penal Code and the Labour Law have been submitted to Congress in 1986 and 1987 respectively, they have yet to be discussed in substance by it; their approval is not expected in the near future.

Having thus given a brief summary of the legal situation of women and the various proposals thereon, it must be pointed out that, for any advances in this field to be really effective, the necessary social conditions must exist for the benefits of equality to be actually enjoyed. One of these conditions is that these legislative provisions be known to the population, and that access to the judicial bodies be available in the State of Venezuela for their effective enforcement. They nevertheless represent necessary rules of conduct which are gradually asserting themselves.

Although these reforms have not yet been approved, the General Sectoral Directorate for the Promotion of Women, through its Legal Assistance Directorate, is developing two programmes related to legal assistance for women:

1. Protection of the Family Against Ill-Treatment
2. Legal Assistance Network.

These two programmes are intended to create precedents with regard to legal assistance in many of those aspects in which reforms have been proposed.

1. Protection of the Family against Ill-Treatment

This is a programme which originated in 1985 in the National Women's Office and is intended to deal with the problem of ill-treatment within the family nucleus and to ensure that it is reported to, and punished by, the competent judicial authorities.

The basic purpose of the programme is to contribute to the protection of the members of the Venezuelan family and to afford them guidance towards more humane relations and the practice of solidarity.

With this general purpose in mind the following objectives were set for the programme:

1. To inform the Venezuelan population of the grave character of the phenomenon of ill-treatment within the family, its causes, the forms which it takes and its consequences.

2. To disseminate among the population the knowledge of the laws, regulations and codes which protect the family and its various members from ill-treatment.

3. To provide direct assistance to the victims of ill-treatment and channel their complaints to the appropriate bodies.

4. To ascertain, through the various cases attended to, the characteristic features and the degree of intensity of the ill-treatment in the various regions of the country, with the aim of providing feed-back material for the preliminary outlines and starting points of the programme.

The programme functions on the basis of a convention signed with all the State Governments of the Venezuelan federation; accordingly, the civil prefectures and/or headquarters of each federated State receive and direct, as the agencies closest to the community, the complaints for ill-treatment within families and promote, jointly with the Legal Assistance Directorate, sensitizing working groups within the community where the problems of

ill-treatment are examined. The programme has thus a preventive purpose, which is being developed in these working groups, as well as the purpose of recording those cases of ill-treatment which occur in the various States and seeing that they are punished.

It must be pointed out that the programme covers also the training of the staff of the civil prefectures and/or headquarters throughout the country in order to ensure that an effective attention is given to cases of ill-treatment; it also includes the training of voluntary staff in order to create a multiplier effect among the sensitizing working groups in the various districts of the country.

From 1985 until the first semester of 1988, the programme has been implemented in all the States of the country in a continuing manner, thus enabling it to take roots in these States. To this date, 113 working groups have been organized at the central level, involving the participation of a total of 3,051 persons, most of them leaders of their communities, without counting the working groups for the training of multipliers and the working groups organized in the various States with local human and material resources.

The Programme for the Protection of the Family against Ill-Treatment has two material supports: the Basic Legal Information Manual and National Directory of Services and the People's Manual (most frequent cases of ill-treatment).

2. Legal Assistance Network

In the middle of 1987, this programme began to function with the aim of co-ordinating the nation-wide network of governmental and non-governmental agencies carrying out the work of promotion, defence and dissemination of the legal norms protecting the family and/or giving legal assistance free of charge to the population, especially women.

The Legal Assistance Directorate is intended to function as a co-ordinating body for this network, promoting meetings with agencies and institutions such as the Ministry of Justice, the Ministry of Labour, the Office of the Public Prosecutor General of the Republic, the Labour Inspectorate, the Prisons Administration, the National Women's Guidance Institute, the National Institute for Assistance to Minors, the Forensic Technical Service of the Police, the Venezuelan Federation of Women Lawyers, with the aim of guaranteeing to women in general, a fair and just treatment, in particular for working women, ill-treated women, women victims of sexual abuse, pregnant women and women prisoners.

In addition, the Legal Assistance Directorate possesses a Free Legal Advice Service to deal with cases of persons in need of legal advice. The basic task of this service is to offer initial attention so as to direct each case to the competent bodies, and then follow it through.

Future activities in the legal field for the achievement of equality for women and their incorporation into the country's social and economic process include the following:

1. To elaborate guidelines on tax legislation in favour of women heads of household.

2. To elaborate guidelines on the economic value of housework with the aim of including housewives in the social security programmes.

3. To pursue the study of guidelines on the reform of the Income Tax Law in order to favour families and taxpayers who support handicapped family members.

4. To ensure the enforcement of the legal provisions relating to the creation of day-nurseries, and to urge official bodies to establish them, in those employing more than 30 women.

5. To continue supporting the Ministry for the Family in pressing Congress for the approval of the proposals for the amendment of the Penal Code and of the Labour Law.

6. To prepare the second Family Legislation Meetings.

7. To draft the publications of the Ministry for the Family on the rights of women and the family.

In the Social Field:

1. The national policy directed at the mass communication media, which has stressed the promotion of equal opportunities and treatment for women, the reconsideration of the masculine and feminine stereotypes which prevent the integration of women in the world of labour, and the promotion of the idea that men can perform activities hitherto considered as household duties or as pertaining exclusively to women.

In this sense, it has been possible to disseminate the following via the media:

1.1. Micros produced by the International Labour Office (ILO) on the equality of the sexes with regard to work, which have been re-edited in the light of Venezuelan realities.

1.2. Micros produced by the Ministry for the Family: (a) Sexual education for children, in which the prevailing sexual stereotypes are confronted. (b) The various stages in the family life cycle, in which more democratic models of family life are put forward.

1.3. In addition, a project has been proposed by the Advisory Committee on Mass Communication Media of the General Sectoral Directorate for the Promotion of Women of the Ministry for the Family to the different media of the country, so that these can promote a different image both of the Venezuelan women and of the Venezuelan family.

2. The psycho-social assistance programmes, whose fundamental purpose is to promote the appreciation of the feminine role and enhance the participation of women in society:

2.1. The Workshop to Promote Motivation and Self-Esteem.

2.2. The Workshop on Female Leadership.

2.3. Family Education.

2.1. <u>The Workshop to Promote Motivation and Self-Esteem</u>

The aim of this programme is to make the participants realize the effects on the human being and on social action of the manner in which one perceives, values and evaluates oneself. The finality is to promote internal changes which will make persons feel able to act in the dynamics of society and confront models and values that produce inequality and discrimination, helping them at the same time to develop personally and professionally.

This progamme is offered throughout the entire territory of the country and is run by specialized voluntary personnel working for the Directorate. The ultimate idea of this programme is to train, in the various districts of the country, human resources capable of multiplying the self-esteem workshop, level I, in the various communities and thus reach a maximum number of people.

There are three levels in the Self-Esteem Workshop, to guarantee an adequate selection and training process of the human resources suited for the treatment of the topic.

The first level is directed at the community, and its objective is to "acquaint the participants with the topic, giving information on the definition, the training process and the levels of self-esteem ...".

The second level has as its objective to "sensitize and enhance self-esteem and favour the taking of decisions ... going deeper into the knowledge of the topic and the participants' self-knowledge, in order to select those best suited and desirous of being trained for multiplying the level I workshop."

The third level goes deeper into the knowledge of the topic and the techniques of group management, since its aim is to train facilitators capable of multiplying the Self-Esteem Workship, level I, in the community.

The objectives, programmes and guidelines of the facilitators at the various levels of the self-esteem workshop are set forth in a publication of the General Sectoral Directorate called "The Workshop to Promote Motivation and Self-Esteem".

2.2. Workshop on Female Leadership

The aim of this programme is to cause Venezuelan women to reflect on the limitations and obstacles facing them in their various tasks, in order to ensure for them a position consonant with their efforts, dedication and capacity, and at the same time provide them with tools to ensure for them a more profitable relationship with the groups in which they operate, thereby promoting their personal development and that of those with whom they interact.

The Workshop on Feminine Leadership is operated by women trained by the General Sectoral Directorate for the Promotion of Women, working on a voluntary basis throughout the territory of the country.

This workshop has been designed for the purpose of operating at two levels. The first of these levels is directed at the community and its object is to make participants aware of what is a leader and what elements go to make a leader, thus enabling them to evaluate their own action as leaders and to identify the elements which can contribute to a better exercise of leadership.

The second level is intended to train the facilitators by concentrating on the theory of the subject, the recognition and evaluation of their own leadership action and the management of group dynamics.

All the information concerning the justification, programmes and guidelines for the two levels of the Workshop on Female Leadership appears in a publication entitled "Workshop on Female Leadership".

2.3. Family education

This programme contributes to the training of professionals in the areas of family education, sexual education, family planning and education of the family for community life; its aim is to ensure that these professionals will promote the setting up of schools for parents for the purpose of sharing with

the community their experiences relating to the domestic environment, the family and the community with respect to health, education, nutrition, consumption, husband-and-wife relations, parental relations and other problems which have to be faced in the daily life of all homes.

In political matters

1. There has been an intensive mobilization in the last two years of the women of the country for the purpose of ensuring a greater political participation at the higher levels of representation and decision-making.

During these past 30 years of democratic rule, Venezuelan women, although they have become more deeply involved in the development of the country and have participated more actively in all sectors of national life, representing as they do one half of the militants of the main Venezuelan political organizations, and also a major force in the trade unions, neighbourhood associations and professional associations, have nevertheless not been able to conquer executive and decision-making posts in a percentage corresponding to their qualitative and quantitative share in the life of the nation.

For example, in the Congress of the Republic, from the 1963 elections until the last elections held in 1983, only three women senators have been elected (see table 1). In the Chamber of Deputies, the largest number of women deputies elected for a constitutional period is 12 (the number elected in 1983) out of a total of 200 seats, thus representing only 6 per cent of the total number of deputies (see table 2).

Table 1

Congress of the Republic

Senate

| Year of election | No. of seats | Women | Men |
|---|---|---|---|
| 1963 | 47 | - | 47 |
| 1968 | 52 | 1 | 51 |
| 1973 | 47 | - | 47 |
| 1978 | 44 | 2 | 42 |
| 1983 | 44 | - | 44 |

Table 2

Congress of the Republic

Deputies

| Year of election | No. of seats | Women | Men |
|---|---|---|---|
| 1963 | 178 | 6 | 172 |
| 1968 | 214 | 6 | 208 |
| 1973 | 200 | 6 | 194 |
| 1979 | 199 | 9 | 190 |
| 1983 | 200 | 12 | 188 |

The General Sectoral Directorate for the Promotion of Women has prepared a document giving an account, for the last 30 years of democratic rule, of the political participation of Venezuelan women; it shows women's participation in the Legislature, the Executive and the Judiciary as well as the presence of women in the governing bodies of workmen's organizations, trade unions and professional associations. In this document, entitled "Participation of Venezuelan Women in Politics" (1988), the conclusion is reached that although Venezuelan women have been present in the various branches of Government of the country, that participation has not been, quantitatively speaking, representative of the extent of the work and activities performed by women during the 30 years of democratic rule. At the same time, the gains made in this field have not been the result of mere chance or of the goodwill of any party or government. Despite the obstacles preventing the full participation of women in politics, which are many and difficult to combat and overcome, women have fought in order to conquer new areas and have shown that they are capable of organizing themselves to demand a greater participation in the conduct of the country's affairs.

The Ministry for the Family, through the General Sectoral Directorate for the Promotion of Women, has been able to contribute in recent years to the search for a fairer and more equal political space for women. It has not only urged the group of women leaders who form the Advisory Committees to work on a pluralist and democratic basis but it has also developed programmes such as that for the promotion of motivation and self-esteem and for female leadership intended to provide women with individual tools to facilitate their access to higher levels of action and decision.

These programmes have been accompanied by actions of great diversity which it is believed will, as circumstances permit, have some impact on the participation of women. In the course of the year 1988, the Ministry for the Family has brought together the women leaders who form part of the Advisory Committees and the members of political and social groups active in the country for the purpose of preparing a minimum common programme for Venezuelan women leaders of political parties, which was submitted to the chief candidates to the Presidency of the Republic (among them Mrs. Ismenia de Villalba, the first woman candidate to the Presidency of the Republic) and the general secretaries of the political organizations, in which a series of alternative suggestions were put forward directed at ensuring a greater participation by women in the conduct and management of national affairs. This document starts with a brief summary of the past and present position of Venezuelan women in political affairs during the years of democratic rule and goes on to propose:

"1. That every political party should adopt, for the representation of women, a system of percentage quotas proportional to the number of women militants in the party. We propose that the quota should be not lower than 30 per cent of candidacies to decision-making posts with a high probability of election.

2. That conditions should be created, in conformity with the statutes of the political parties, to promote a greater participation by qualified women on a basis of equality; these conditions must be incorporated and upheld in the platform of government proposed by each candidate, which must include an overall strategy intended to ensure the participation of women.

3. That the political parties should intensify their efforts to promote and ensure equal participation by women in all national and local legislative bodies so as to assure fairness in the appointment, election and promotion of women to high positions in the executive, legislative and judicial branches.

4. That, for purposes of formulating policies, plans and programmes intended for women, there should be a broad involvement of all the agencies and persons engaged in the promotion of women, as is done at6present with the Advisory Committees of the Ministry for the Family. Lastly, we call upon all the political parties and their women militants to promote the advancement and in-depth progress of the legal reforms already proposed and the programmes for the assistance and promotion of women already in existence at present. We appeal likewise to the women militants of the various political organizations of the country, and in particular those occupying important positions, to take action and to give concrete shape to these proposals." (Minimum Common Programme of the Venezuelan Women Leaders submitted to the political parties)

This programme was favourably received by the candidates and general secretaries of the various parties when the lady Minister for the Family submitted it to them in private meetings, in the company of the women members of the committees and women leaders of the organizations themselves. Nevertheless, when the time came to prepare the lists of candidates to Congress in order to present them to the voters in December 1989, the proposals contained in the document were not given any great consideration.

Precisely at the time when the composition of the lists of candidates was being discussed within the various parties, Mrs. Virginia Olivo de Celli, Minister for the Family, returned from the Inter-American Seminar on the Preparation of Strategies for Women's Participation in Politics (the lady Minister is the principal delegate for Venezuela to the Inter-American Commission of Women) and she immediately convened the Advisory Committees to submit to them for discussion the Plan of Action for the Full and Equal Participation of Women in Politics, which was the final document of the Inter-American Seminar. As a result of the discussion of the Plan and in view of the contingency which was jeopardizing any concrete progress in the matter, the women decided to convene national assemblies of women to discuss the Plan of Action proposed by the Inter-American Commission of Women as well as the situation which was developing in the political parties and which amounted to the exclusion of women rather than their incorporation in the stated percentages in leading positions in the electoral lists for seats in the Congress of the Republic and the legislative bodies of the federated States. Seventeen Assemblies were held in the various States of the country, all of them attended by a large number of women, not only militants in all the various political groups but also independent women, as well as those working in non-govermental organizations which assist and promote women. The various assemblies adopted decisions on the action to be taken in their respective States. In Caracas, the capital, women decided to form a united women's front entitled "United Women Leaders", subordinating their different political allegiances to the common interest; they succeeded in mobilizing women in various areas in order to exert pressure at election time and carry out actions to promote the participation of women. The women of Caracas proposed that a National Women's March should take place to protest against the political situation of Venezuelan women. The march was carried out on 2 August 1988 and constituted one of the most important actions carried out by

Venezuelan women under democracy. In principle, it was obtained as a result that a greater number of women should get seats in the National Congress and in the State Legislative Assemblies; a precedent was thus set in the struggle and mobilization in unity and agreements were reached for the election of a significantly greater number of women at the forthcoming elections in representative posts (Municipal Councillors, Mayors, Governors) by mid-1989.

With these actions, Venezuelan women demonstrated that they were ready and willing to fulfil their commitment to carry out, jointly with men and under equal conditions, the difficult task of constructing a just and democratic country.

In economic matters:

1. The elaboration of programmes for the promotion of small businesses managed by women.

These programmes are as follows:

1.1 Programme for the incorporation into the productive process of young persons and women with low incomes.

1.2 Management Training Workshop for Women Workers.

1.1 Incorporation into the productive process of young persons and women with low incomes

This programme has been set up by the Ministry for the Family and has been co-ordinated by the General Sectoral Directorate for the Care of Young Persons of the same Ministry in 1987 for the purpose of granting loans to low-income women and young persons in order to enable them to develop viable small businesses and to guarantee to them an improved level of living.

The selection of the persons who are to benefit from these credits, as well as the granting of loans and their follow-up are the responsibility of a number of institutions which function in the various federated States of the country and which form a State inter-institutional commission. Economic feasibility is ensured through the Fund for the Operation and Financing of Associative Enterprises, under the supervision of the Ministry for the Family; its resources come from contributions by State bodies, various public and private institutions and international organizations.

1.2 Management Training Workshop for Working Women

This workshop has been conceived and developed by the General Sectoral Directorate for the Promotion of Women of the Ministry for the Family with the aim of fostering the incorporation into productive activities of low-income Venezuelan women. Considering that domestic activities impose serious limitations upon women for their vocational training and their incorporation into the labour market, this workshop provides an opportunity for women to acquire the knowledge and skills which are essential for the purpose of managing efficiently small production units. This offers women a concrete opportunity to participate in the development of the country.

The workshop operates at two levels. At the first level, it works directly with persons interested in developing production units; at the second, it trains the persons who will act as multipliers of that first level.

With regard to this workshop, there have been three publications by the General Sectoral Directorate for the Promotion of Women: "Manual of Management Training for Working Women"; "Legal aspects for the establishment of an enterprise" and the "Facilitators Manual".

## 2. Assistance programme for working mothers

### 2.1 Day nurseries

This programme of the Ministry for the Family has been developed by the General Sectoral Directorate for the Care of Children and has been operating throughout the territory of the country since 1984. Its purpose is to give a formal shape to the relations of solidarity and comradeship which exist in the various neighbourhoods in Venezuela. There, a woman in the community will offer to look after a number of children (approximately five children) at her home while the mothers of those children are at work. The purpose of the programme is to give assistance to those mothers from the economic point of view and also in human resources, as well as to provide training for the women who give the service in question, with the aim of ensuring the continuity of that service and a better care for the children concerned.

The aim of the programme is to help on the one hand the women who take care of the children by providing them with resources that will convert their work into a remunerated activity for them and, on the other hand, to solve the problem of the numerous mothers who do not know where to leave their children between the ages of 0 and 6 years of age when they themselves are at work.

A programme similar to that of the Ministry for the Family is being operated by the Children's Foundation, an institution presided over by the First Lady of the Republic. There are also a number of other institutions which provide care for very small children. Unfortunately, despite all this effort, there are still 2 million children of pre-school age without any care.

The struggle for the equality of women is a difficult one but in Venezuela it has progressively asserted itself as a necessity not only for the Venezuelan State and the federated State governments but also for the women themselves who are constantly demanding higher levels of participation; their non-governmental organizations have been strengthened and their links with State bodies working in favour of women are becoming closer, as the sole means of expanding the programmes and completing the legal reforms - and any other reforms - necessary to make significant progress in this field.